

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

IN RE:

Jennifer Magny

Debtor

Chapter 13

Docket No: 19-14296-FJB

**MOTION TO EXTEND THE DATE WITHIN WHICH TO FILE A COMPLAINT
OBJECTING TO DISCHARGE OR DISCHARGEABILITY**

NOW COMES Charles Street Family Chiropractic, Inc. (hereinafter the “Creditor”), by and through counsel, and respectfully requests that this Court extend by sixty (90) days the date within which the Creditor may object to discharge or the dischargeability of a debt.

In support, the Creditor states as follows:

1. The Debtor filed this petition under Chapter 13 of the United States Bankruptcy Code on December 19, 2019. As of the date of this instant Motion, the meeting of creditors has not taken place. The meeting was originally scheduled for January 29, 2020. The case was voluntarily dismissed by the Debtor before that date, therefore, the meeting did not take place as scheduled. On a Motion of the Debtor, the case was reinstated, and the meeting was rescheduled for January 30, 2020. This meeting was further continued to February 26, 2020, then to March 10, 2020, and further to March 25, 2020. Because of the current public health crisis and the limited access to the Court imposed by the recent Standing Orders, the meeting was further rescheduled to May 6, 2020. Undersigned counsel intends to appear at the meeting, whenever it may ultimately be held.
2. The Creditor believes that grounds exist for it to file a complaint objecting to the discharge or dischargeability relating to or arising out of a personal injury settlement from which the Debtor had agreed to pay the Creditor for chiropractic services it had rendered. The Debtor had assigned the personal injury settlement proceeds to the Creditor to the extent of the Creditor’s claim and had granted the Creditor a first priority security interest in same. On July 19, 2018, seventeen (17) months prior to the filing of the bankruptcy case, the Debtor received the entirety of the personal injury settlement in the amount of \$54,230.00, including the portion of those proceeds that she had assigned to the Creditor¹. The Creditor believes that the Debtor may have fraudulently transferred some or all of those funds, and intentionally and willfully deprived the Creditor of the portion of those funds to which the Creditor was entitled. The Creditor intends to file a Complaint objecting to the discharge of its claim under § 523, and any other appropriate cause of action that may exist.

¹ The receipt of the settlement funds is not listed on the Debtor’s Statement of Financial Affairs and the debtor lists only one bank account on her Schedule B with a balance of \$1,000.00 as of the date of filing.

3. Fed. R. Bankr. P. 4004 and 4007 require a party to file a complaint objecting to the discharge or dischargeability of a debt no later than sixty (60) days after the first date set for the section 341 meeting. The deadline in this case is today, March 30, 2020.
4. The Creditor requires additional time to determine whether to file a complaint objecting to discharge or dischargeability of its claim. On February 27, 2020, the Creditor filed a Motion to Conduct a Rule 2004 Examination attached to which was a list of documents it is seeking from the Debtor. That Motion was allowed on March 13, 2020, and in its endorsement, the Court Ordered the Debtor to provide the requested documents by March 23, 2020. As of the date of this instant Motion, the Creditor has not received the documents. Undersigned counsel has been in communication with Debtor's counsel regarding using alternate means (email, Dropbox, etc.) for the Debtor to provide the documents in light of the current public health concerns.
5. Because of the extensive list of documents and materials they will be seeking, and the likelihood of at least one day of deposition testimony, both of which are likely to be delayed by the current public health situation, the Creditor requests an extension of ninety (90) days to file a complaint objecting to discharge or dischargeability of a debt, and reserves the right to seek additional extensions of the applicable objection deadline as circumstances may require.
6. No prejudice will result to any parties in interest from the requested relief.

WHEREFORE, Charles Street Family Chiropractic, Inc. respectfully requests that this Court enter an order:

- i. Extending the deadline for filing a complaint objecting to the dischargeability of a debt for ninety (90) days, through and including June 29, 2020; and
- ii. Grant such other relief as is just and proper.

Respectfully submitted,
Charles Street Family Chiropractic, Inc,
By its attorney,

Dated: March 30, 2020

/s/ Joshua A. Burnett, Esq.
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CERTIFICATE OF SERVICE

I, Joshua A. Burnett, Esq., certify that a copy of the **Motion to Extend the Date within which to File a Complaint Objecting to Discharge or Dischargeability**, relative to the above entitled matter, has been served by electronic mail via the U.S. Bankruptcy Court's CM/ECF system to the Office of the United States Trustee, the Office of the Chapter 13 Trustee, counsel for the Debtor, and all other parties who have requested such notice.

Signed under pains and penalties of perjury,

Dated: March 30, 2020

/s/ Joshua A. Burnett, Esq.

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